

REMARKS/ARGUMENTS

Applicants have carefully reviewed the final Office Action dated July 6, 2007. Applicants had a telephonic interview with Examiner Nutter on Friday, August 24, 2007. In this interview, Applicants' Agent, Suzanne Kikel advised Examiner Nutter that Applicants wish to accept the method claims 18-21. These claims were to be amended to include all the limitations of claim 1 except for the term "non-ionic" in order to overcome the rejection to the claims under 35 U.S.C. § 112, first paragraph. Applicants also advised Examiner Nutter that Applicants wished to add new claims containing the subject matter of the previous claims 2, 4, 8 and 10, and 13 that have now been canceled. Examiner Nutter appreciated that claims 18-21 were not rejected based on prior art.

Accordingly, reconsideration of the Examiner's rejection of the claims is respectfully requested. A total of 20 claims remain in the case. Product claims 1-17 have been cancelled without prejudice. Dependent method claims 18, 19, 20, and 21 have been amended to present these claims in independent form and to include the recitations for the rubber modified styrenic resin composition as appearing in previous claim 1 from which these claims 18-21 had previously depended.

Additionally, a set of four new dependent claims have been added for each of the four independent method claims 18, 19, 20 and 21. That is, new claims 25, 26, 27 and 28 depend directly or indirectly on independent claim 18. New claims 29, 30, 31 and 32 depend directly or indirectly on independent claim 19. New claims 33, 34, 35 and 36 depend directly or indirectly on independent claim 20. New claims 37, 38, 39 and 40 depend directly or indirectly on independent claim 21.

Claims 25, 29, 33 and 37 include the subject matter of previous claim 2. Claims 26, 30, 34 and 38 include the

subject matter of previous claim 4. Claims 27, 31, 35 and 39 include the subject matter of previous claims 8 and 10. Claims 28, 32, 36, and 40 include the subject matter of previous claim 13.

The Invention

The claimed invention, particularly that of independent method claims 18, 19, 20 and 21 relate to a method for preparing a rubber modified styrenic resin composition consisting of a rubber modified styrene maleic anhydride (SMA) copolymer and polybutene, and optionally additives via a polymerization process wherein the polybutene is part of the reactive mixture of the styrene, the maleic anhydride and the rubber in the polymerization process and wherein the polybutene is added in the polymerization process as recited in method claims 18-21.

The resultant rubber modified styrenic resin composition produced via the methods of the claimed invention, as stated in the previous Amendment, is particularly suitable for food packaging and food services, e.g., containers for use in the microwave heating of foods which use is different from those of the cited references. For example, the polymer blends of the Kim reference are used in sporting goods and golf balls. The resin composition of the Sugioka reference is used in semiconductor carrier devices.

Claim Rejections under 35 U.S.C. §112

Claims 1-21 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors,

at the time the application was filed, had possession of the claimed invention. The recitation of "non-ionic" in each of the claims has no antecedent bases in the specification, as originally filed.

Claims 1-17 are canceled without prejudice. In view of this, Applicants respectfully request that this rejection to the claims be withdrawn.

Claims 18-21 have been amended to present these claims in independent form and recite the limitations of claim 1 as presented in the previous Amendment and exclude the term "non-ionic". Applicants submit that these method claims are patentable in that they each contain patentable distinctions not found in the cited art and that the patentability of these claims does not depend on the rubber modified styrenic resin composition being "non-ionic". More particularly, these method claims are addressed to a polymerization process for preparing a rubber modified styrenic resin composition consisting of a rubber modified styrene maleic anhydride copolymer, polybutene, and optionally, other additives and include a step of adding the polybutene at a specific time in the polymerization process.

None of the cited reference when considered singly or in combination disclose, teach or suggest the method of the claimed invention of claims 18, 19, 20, and 21.

The Prior Art

As stated in the previous Amendment, the Sugioka reference relates to a syndiotactic polystyrenic resin composition. In contrast to the method for preparing a rubber modified styrenic resin composition as recited in claims 18, 19, 20 and 21 of the invention, the resin moiety of the Sugioka reference is produced by melting and kneading the

constituent components and the additives in any of ribbon blenders, Henschel mixers, Banbury mixers, drum tumblers, single-screw extruders, double-screw extruders, co-kneaders, multi-screw extruders, etc. (column 10, lines 33-41). The rubber modified styrene maleic anhydride copolymer of claims 18-21 is produced via a polymerization process and the polybutene is added to the styrene, the maleic anhydride and the rubber in the polymerization process in a reactor vessel.

As stated in a previous Amendment, the Kim reference is addressed to a method of making a polymer blend composition by 1) first blending together component A that is a monomer, oligomer, prepolymer, or polymer and component C that is a metal cation, to form a first composition; and 2) melt processing the first composition to produce a reaction product of components A and C to form a polymer blend composition. The Kim reference teaches and the examples illustrate forming the polymer blend composition through a combination of dry blending and melt mixing steps using twin extrusion devices.

Also as stated in a previous Amendment, the Wang reference relates to a rubber modified styrene/acrylonitrile or methacrylate/maleic anhydride terpolymer. This reference does not disclose the use of polybutene for enhancing the properties of its disclosed terpolymers nor does it disclose methods similar to those of the claimed invention for adding the polybutene to the components of a rubber modified styrene maleic anhydride copolymer.

In view of the above comments and amendments to the claims, Applicants believe that the claimed invention, particularly that of claims 18, 19, 20 and 21 are patentable.

New dependent claims 25-40 add further limitations to their respective independent claim. These claims are believed

to be patentable in that they depend from an independent claim which Applicants believe are patentable.

Summary and Conclusion

Applicants for the first time disclose and claim a method for preparing a rubber modified styrenic resin composition consisting of a non-ionic rubber modified styrene maleic anhydride copolymer and polybutene, and optionally customary additives via a polymerization process wherein the polybutene is made part of the reactive mixture of the styrene, the maleic anhydride and the rubber in the polymerization process and adding the polybutene at a specific time in the polymerization process as recited in claims 18, 19, 20, and 21 as amended. There are no teachings in the cited art of introducing polybutene to modify and/or improve the properties of a rubber modified styrene maleic anhydride (SMA) copolymer as recited in these method claims.

Applicants with to authorized the payment of the fee of \$200.00, for the submission of additional independent claims, be deducted from Deposit Account No. 501679. Applicants also with to authorize the credit of any overpayments or payment of any deficiencies of payment from Deposit Account No. 501679.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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